

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO**

In re:

RAFAEL M. CARO ADORNO  
MARIA E. CANCEL RODRIGUEZ  
Debtors

CASE NO. 23-02367-ESL

CHAPTER 13

**PERFORMANCE FINANCE'S OBJECTION TO CONFIRMATION OF  
PLAN DATED JULY 31, 2023**

**TO THE HONORABLE COURT:**

Comes now, Performance Finance (hereinafter "Performance"), secured creditor, through the undersigned attorney and very respectfully states and prays:

1. On July 31, 2023, debtors filed a voluntary petition under Chapter 13 of the Bankruptcy Code. [Docket No. 1].

2. Performance is a secured creditor of debtors by virtue of being holder in due course of a duly registered conditional sales contract which encumbers debtors' 2022 Indian Challenger motorcycle with vehicle identification number ("VIN") 56KLCBRR7N3406732 (the "Collateral"). Performance filed its proof of claim on August 11, 2023, for the sum of \$17,050.05, plus the contractual interest of 7.29% annually. Performance's claim was marked as claim 2-1 of the claims register, (hereinafter the "Claim").

3. Debtors' proposed Chapter 13 payment plan dated July 31, 2023, (hereinafter the "Plan"), provides for debtors to pay Performance the sum of \$16,942.00 as a secured claim

through the Chapter 13 Trustee, pursuant to Section 3.7 of the Plan. Furthermore, the Plan states that distributions to Performance would start in month 18 of the Plan. [Docket No. 2].

4. Performance objects to the confirmation of the Plan because the same does not provide for the full payment of Performance's Claim.

5. Furthermore, the Plan fails to provide for the interest claimed by Performance in its Claim.

6. Lastly, Performance objects to the confirmation of the Plan because the same does not provide for Performance to receive equal monthly payments on its Claim after confirmation. In addition, Performance does not accept that disbursements on its Claim would commence in month 18 of the Plan.

7. For the reasons stated above, Performance does not accept the Plan proposed by debtors and the provisions and/or treatment of the Claim pursuant to §1325(a)(5)(A) and §1325(a)(5)(B) of the Bankruptcy Code.

8. Based on the above, Performance respectfully objects to the confirmation of the Plan pursuant to §1325(a)(5)(A) and §1325(a)(5)(B) of the Bankruptcy Code.

WHEREFORE, Performance Finance respectfully requests that the Court sustain its objection and deny confirmation of debtors' proposed Plan dated July 31, 2023, and for such other relief as is just and equitable.

RESPECTFULLY SUBMITTED.

I HEREBY CERTIFY that on this same date the foregoing was electronically filed, utilizing the CM/ECF System, which, upon information and belief, will notify the same to all participants, including debtors' attorney Milagros Rivera Rivera; and Chapter 13 Trustee

Alejandro Oliveras Rivera; also the foregoing has been caused to be served by first class mail to debtors Rafael M. Caro Adorno and María E. Cancel Rodríguez at PO Box 1018, Sabana Seca, Toa Baja, Puerto Rico 00952; to debtors' attorney Milagros Rivera Rivera, at MRR Legal Group, PO Box 50823, Toa Baja, Puerto Rico 00950-0853; and to Trustee Alejandro Oliveras Rivera, at P.O. Box 9024062, San Juan, Puerto Rico 00902-4062.

Within fourteen (14) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the clerk's office of the United States Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the court, the interest of justice requires otherwise.

In Kalamazoo, Michigan, on August 17, 2023.

**Fernández Cuyar Rovira & Plá LLC**

/s/ Maximiliano A. Plá Méndez

Maximiliano A. Plá-Méndez

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